

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARCISOFT INC.,

Plaintiff,

vs.

PAUL FRIEDMAN,

Defendant.

CASE NO. C07-03512 SC

**ORDER GRANTING ARCISOFT INC.'S *EX PARTE* APPLICATION FOR
TEMPORARY RESTRAINING ORDER,
EVIDENCE PRESERVATION ORDER,
AND ORDER TO SHOW CAUSE RE
ISSUANCE OF PRELIMINARY
INJUNCTION**

1 The Court, having considered the argument of Plaintiff ArcSoft Inc.'s ("ArcSoft") counsel and
2 the papers submitted in support of its *ex parte* Application for Temporary Restraining Order,
3 Evidence Preservation Order, and Order To Show Cause Re Issuance of Preliminary Injunction,
4 and for good cause shown, **HEREBY FINDS, PURSUANT TO FEDERAL RULE OF CIVIL**
5 **PROCEDURE 65(b):**

6 Based on the evidence submitted, the Court finds that if the following injunctive relief is not
7 issued on an *ex parte* basis, and Friedman is not enjoined, restrained and directed as follows,
8 ArcSoft faces the threat of imminent and irreparable injury arising out of the potential destruction
9 of evidence. Now, therefore,

10 **IT IS HEREBY ORDERED:**

11 (1) That Defendant Paul Friedman ("Friedman"), his agents, and all those acting in aid
12 and concert with him are immediately restrained from accessing, using, or disclosing to anyone
13 any ArcSoft information that is in his current possession, custody, or control, and/or that he
14 retained after being terminated by ArcSoft,;

15 (2) That, within three calendar days of the date of this Order, Friedman shall return to
16 counsel for ArcSoft all information, data, or documents in his possession, custody, or control that
17 he accessed or acquired, in whole or in part, in connection with his employment with ArcSoft,
18 including, without limitation, the electronic data identified in response to Paragraph 3, below;

19 (3) That, within three calendar days of the date of this Order, Friedman shall identify
20 in a written statement made under penalty of perjury each and every file and piece of electronic
21 data (by name, hash marks, and any other identifying means) he accessed, removed, and/or
22 copied from the ArcSoft laptop he retained following the termination of his employment
23 ("Laptop"), as well as the current location of all such data;

24 (4) That, within three calendar days of the date of this Order, Friedman shall identify
25 in a written statement made under penalty of perjury and with specificity (including the name of
26 the program, the manufacturer, and the version number) the particular type of wiping program he
27 used to delete data off of the ArcSoft Laptop, at what precise date and time he used this wiping
28 program, and the precise steps he took to execute the program's deletion function;

1 (5) That, within three calendar days of the date of this Order, Friedman shall identify
2 in a written statement made under penalty of perjury all Electronic Storage Devices (including but
3 not limited to home computers, thumb drives, compact discs or DVDs, hard drives, private email
4 accounts (including Internet-based email accounts), and other media capable of storing electronic
5 data) in his possession, custody and control and/or to which he has access from January 1, 2007 to
6 the present, and make such Electronic Storage Devices available to a third party forensic expert
7 retained by ArcSoft, so that the third party expert can forensically image (on a byte by byte basis
8 that includes slack and unallocated spaces of the Electronic Storage Devices) and preserve the
9 data on these Electronic Storage Devices for later inspection through the discovery process;

10 (6) That, within three calendar days of the date of this Order, Friedman shall identify
11 in a written statement made under penalty of perjury, (A) all persons (including himself and any
12 attorney, whether or not such attorney be an immediate family member or relative) who have
13 been given access to any ArcSoft property (including the data identified in Paragraph 3, above),
14 (B) when such access occurred, and (C) what use was made of such data by the identified
15 persons.

16
17 **ORDER TO SHOW CAUSE REGARDING ISSUANCE OF PRELIMINARY**
18 **INJUNCTION**

19 **IT IS FURTHER ORDERED THAT:**

20 Pursuant to the Temporary Restraining Order entered herewith, Friedman shall appear before the
21 Court on Friday, July 13, 2007 at 10:00 a.m. in Courtroom 1, 17th Floor to show cause why the
22 Court should not issue a preliminary injunction consistent with the Temporary Restraining Order.
23 ArcSoft shall post a bond in the amount of \$25,000 by no later than Monday, July 9, 2007.

EVIDENCE PRESERVATION ORDER

IT IS FURTHER ORDERED THAT:

(1) That Friedman be restrained, enjoined and prohibited from destroying, altering, erasing, or otherwise modifying, or causing or permitting anyone else to destroy, alter, erase, or otherwise modify, any evidence relating to this action, including, but not limited to:

(A) Any and all data in computerized files stored or located on computers, USB drives, external hard drives, or any other Electronic Storage Device or email account within the possession, custody or control of Friedman, including, without limitation, any and all documents relating to ArcSoft and/or its confidential and/or proprietary information;

(B) Any and all documents maintained in hard copy form relating to ArcSoft and/or its confidential and/or proprietary information; and

(C) Computers, floppy diskettes, USB Flash Drives, external hard drives, or other external storage devices within the possession, custody or control of Friedman.

IT IS SO ORDERED.

Entered this 6th day of July, 2007.


The Honorable Samuel Conti
United States District Court Judge